

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

FRANCISCO MERCADO §  
VS. § CIVIL ACTION NO. 1:20cv351  
WARDEN GARRIDO §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Petitioner Francisco Mercado, a federal prisoner, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends granting the respondent's motion to dismiss or, in the alternative, motion for summary judgment to the extent it requests dismissal.

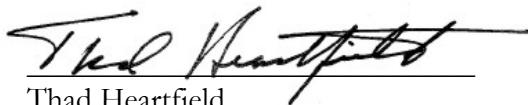
The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. It is

**ORDERED** that the respondent's motion to dismiss or, in the alternative, motion for summary judgment is **GRANTED** to the extent it requests dismissal. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

**SIGNED** this the 3 day of March, 2022.



Thad Heartfield  
United States District Judge